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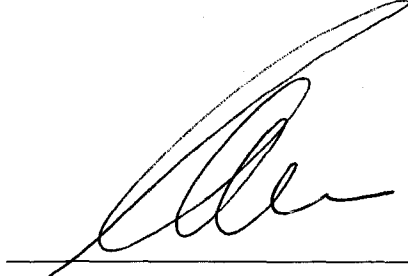
JULIA DUDLEY, CLERK
BY:  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

STEVEN CUMBERBATCH, JR.,)	Civil Action No. 7:12cv00256
)	
Petitioner,)	
)	
v.)	<u>2254 FINAL ORDER</u>
)	
HAROLD W. CLARKE,)	
)	
Respondent.)	By: Samuel G. Wilson
)	United States District Judge

In accordance with the memorandum opinion entered on this day, it is hereby **ORDERED** and **ADJUDGED** that the respondent's motion to dismiss is **GRANTED**, the petitioner's 28 U.S.C. § 2254 petition is **DISMISSED**, the petitioner's motion to amend is **DENIED**, and this matter shall be **STRICKEN** from the court's active docket. Further, finding that the petitioner has failed to make the requisite substantial showing of the denial of a constitutional right, as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

ENTER: March 27, 2013.


UNITED STATES DISTRICT JUDGE